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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,369	09/17/2003	Mario Jovelino Del Nunzio	C4243(C)	4574

201 7590 01/12/2005

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,369

Applicant(s)

DEL NUNZIO ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/15/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This action is responsive to the amendment filed on October 15, 2004.
2. Claims 1-11 and 13-16 are pending.
3. The objection to the abstract of the disclosure is withdrawn in view of applicants' amendment.
4. The rejection of claim 5 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.
5. The rejection of claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Dovey et al. (WO 00/34422), hereinafter "Dovey" is withdrawn in view of applicants' amendment and arguments therein.
6. The rejection of claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Spadoni et al. (WO 98/46716), hereinafter "Spadoni" is withdrawn in view of applicants' amendment and arguments therein.
7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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8. Claims 1-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dovey in view of Tadsen et al. (US Patent No. 5,527,489), hereinafter "Tadsen".

Dovey teaches a laundry detergent compositions comprising an effervescence granule (see page 5, lines 1-4), comprising an acid source at a level of from 0.1% to 99%, most preferably from 15% to 50% by weight of the total granule, a carbon dioxide source at a level of from 0.1% to 99%, more preferably from 45% to 85% by weight of the total granule (see page 8, lines 18-24). Dovey also teaches that the effervescent granules may optionally comprise a binder such as anionic surfactants such as C6-C20 alkyl or alkylaryl sulphates (see page 10, line 27 to page 11, line 1). In Particles VI, Dovey teaches effervescence granules comprising citric acid, carbonate and 10 wt% AS (alkyl sulphate). The effervescent granules are preferably obtainable by a process comprising a granulation step, preferably the step of dry powder compaction or pressure agglomeration and pressure agglomeration, especially high pressure agglomeration, is an essentially dry process that forms new entities (i.e. dry effervescent granules) from solid particles (i.e., the acid, bicarbonate, carbonate source and optionally the binder) by applying external forces to densify a more or less defined bulk mass or volume and create binding mechanisms between the solid particles (underlinings supplied; see page 9, lines 9-22). The process for manufacturing the effervescent granules comprises first obtaining the acid source by grinding larger size particles, mixing the obtained acid source with the carbon dioxide source, and optionally mixing a binder to form a mixture, then submitting the mixture to a granulation step (see page 12, lines 4-14). Dovey, however, fails to disclose a laundry detergent composition comprising solid surfactant particles having the recited particle sizes.

Tadsen teaches that particulate surfactants such as alkyl sulfate surfactants have a weight average particle size of from about 100 microns to 3500 microns, preferably from about 200 microns to 2000 microns (see col. 7, lines 31-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the binder such as alkyl sulphates which is in the form of solid particles to have a particle size from about 100 microns to 3500 microns because it is shown by Tadsen that a typical particulate alkyl sulphate surfactant possesses such particle sizes.

9. Claims 1-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spadoni in view of Tadsen.

Spadoni teaches dry effervescent granules comprising an acid, carbonate source and optionally a binder and granular compositions containing the effervescent granules which is used for cleaning fabrics (see abstract; page 1, first paragraph), the acid is present at a level from 0.1% to 99%, preferably from 3 to 75% by weight of the total granule (see page 7, lines 7-10), the carbonate is present at a level from 0.1% to 99%, preferably from 45% to 85% by weight of the total granule (see page 7, 2nd line from last to page 8, line 2), and the binder is present at a level up to 50%, preferably up to 20% by weight of a binder such as anionic surfactants like C6-C20 alkyl or alkylaryl sulphates (see page 8, last paragraph). The diameter sizes of the dry effervescent granules are preferably from 0.001 mm to 7 mm, preferably less than 2 mm (see page 8, lines 9-10). The dry effervescent granules are preferably obtainable by a dry powder compaction or pressure agglomeration, and while all binding mechanisms can occur in pressure agglomeration, adhesion forces between the solid particles, i.e. between the acid, carbonate

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source and optionally the binder if present, play an especially important role (underlinings supplied; see page 6, second full paragraph). Spadoni also teaches a process of manufacturing the dry effervescent granules which comprises the steps of first mixing the acid, the carbonate source and optionally the binder together to obtain a mixture, the submitting the mixture to a pressure agglomeration step to obtain agglomerated mixture and finally submitting the agglomerated mixture to a granulation step (see page 4, lines 14-21). Spadoni, however, fails to disclose a laundry detergent composition comprising solid surfactant particles having the recited particle sizes.

Tadsen teaches that particulate surfactants such as alkyl sulfate surfactants have a weight average particle size of from about 100 microns to 3500 microns, preferably from about 200 microns to 2000 microns (see col. 7, lines 31-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the binder such as alkyl sulphates which is in the form of solid particles to have a particle size from about 100 microns to 3500 microns because it is shown by Tadsen that a typical particulate alkyl sulphate surfactant possesses such particle sizes.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

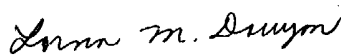
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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313.

The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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